MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

PART I: GENERAL INFORMATION

Type of Requestor: (x) HCP ( ) IE ( ) IC	**Response Timely Filed?** (x Yes ( ) No
Requestor's Name and Address. Presbyterian Hospital of Plano P.O. Box 910812 Dallas, TX 75391	MDR Tracking No.: M4-03-6972-01 TWCC No.: Injured Employee's Name:
Respondent's Name and Address TML Intergovernmental Risk Pool c/o Flahive, Ogden & Latson Box 19	Date of Injury: Employer's Name: City of Vernon Insurance Carrier's No.: T050100058063

PART II: SUMMARY OF DISPUTE AND FINDINGS

Dates of Service		CPT Code(s) or Description	Amount in Dispute	Amount Due
From	To			
09/11/02	09/21/02	Inpatient Hospitalization	$83,448.06	$13,870.39

PART III: REQUESTOR'S POSITION SUMMARY

Position Summary states in part, "…This medical dispute was filed because the provider feels the bill was audited incorrectly. This bill was for inpatient surgical care and qualifies as a Stop Loss bill per Presbyterian's interpretation of rule 134.401. If audit charges exceed $40,000.00, carrier should reimburse 75% of total charges (134.401 C(6)). Per Stop Loss rule, this method is to be used in place of and not in addition to per diem/Fair and Reasonable or any other method of audit…"

PART IV: RESPONDENT'S POSITION SUMMARY

Position Summary states in part, "…Medical bills in excess of $40,000 do not automatically qualify for stop-loss reimbursement. Rather, the per diem rate is the default and preferred method of reimbursement that should be employed unless the Hospital justifies use of the stop-loss method in a particular case… Here, the $40,000 threshold has been exceeded, but the Requestor has not proven any entitlement to the stop-loss rule. The Hospital must show that the services show the services provided were unusually extensive, unusually costly and/or arose from an unusually lengthy stay. The records provided do not indicate treatment that was particularly lengthy or unusually extensive or costly…"

PART V: MEDICAL DISPUTE RESOLUTION REVIEW SUMMARY, METHODOLOGY, AND/OR EXPLANATION

This dispute relates to inpatient services provided in hospital setting with reimbursement subject to the provisions of Rule 134.401 (Acute Care Inpatient Hospital Fee Guideline). The hospital has requested reimbursement according to the stop-loss method contained in that rule. Rule 134.401(c)(6) establishes that the stop-loss method is to be used for "unusually costly services." The explanation that follows this paragraph indicates that in order to determine if "unusually costly services" were provided, the admission must not only exceed $40,000 in total audited charges, but also involve "unusually extensive services."

After reviewing the documentation provided by both parties, it does **not** appear that this particular admission involved "unusually extensive services." Accordingly, the stop-loss method does not apply and the reimbursement is to be based on the per diem plus carve-out methodology described in the same rule.

The total length of stay for this admission was 10 days (consisting of 10 for surgical). Accordingly, the standard per diem amount due for this admission is equal to $11,180.00 (10 times $1,118). In addition, the hospital is entitled to additional reimbursement for (implantables/MRIs/CAT Scans/pharmaceuticals) as follows:

CDC Biocare	$ 390.00	Total Implants:	$ 9,391.08	Per Diem + Cost + 10%:	$21,510.19
Cardinal Health	114.08 ($57.04 x 2)	10%:	939.11	Carrier Payment:	(7,939.80)
Transplant Services	1,982.00	Cost + 10%:	$10,330.19	Reimbursement Due:	$13,870.39
Transplant Services	6,650.00 ($3,325.00 x 2)				
Spinal Concepts	6,255.00	Per Diem:	$11,180.00		
		Cost + 10%:	10,330.19		

Based on the facts of this situation, the parties' positions, and the application of the provisions of Rule 134.401(c), we find that the

health care provider is entitled to a reimbursement amount for these services equal to $13,870.39.

PART VI: COMMISSION DECISION AND ORDER

Based upon the review of the disputed healthcare services, the Medical Review Division has determined that the requestor is entitled to additional reimbursement in the amount of $13,870.39. The Division hereby **ORDERS** the insurance carrier to remit this amount plus all accrued interest due at the time of payment to the Requestor within 20-days of receipt of this Order.

Ordered by:

	Amy Rich	03/10/05
Authorized Signature	Typed Name	Date of Order

PART VII: YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the Decision and has a right to request a hearing. A request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings/Appeals Clerk within 20 (twenty) days of your receipt of this decision (28 Texas Administrative Code § 148.3). This Decision was mailed to the health care provider and placed in the Austin Representatives box on _____. This Decision is deemed received by you five days after it was mailed and the first working day after the date the Decision was placed in the Austin Representative's box (28 Texas Administrative Code § 102.5(d)). A request for a hearing should be sent to: Chief Clerk of Proceedings/Appeals Clerk, P.O. Box 17787, Austin, Texas, 78744 or faxed to (512) 804-4011. A copy of this Decision should be attached to the request.

The party appealing the Division's Decision shall deliver a copy of their written request for a hearing to the opposing party involved in the dispute.

Si prefiere hablar con una persona in español acerca de ésta correspondencia, favor de llamar a 512-804-4812.

PART VIII: INSURANCE CARRIER DELIVERY CERTIFICATION

I hereby verify that I received a copy of this Decision and Order in the Austin Representative's box.

Signature of Insurance Carrier: _____ Date: _____